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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991).

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Annex

Report on the high-level talks between the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA), for the one part, and the Government of Iraq, for the other: New York, 15-30 November 1993

INTRODUCTION

1. In July 1993, discussions in Baghdad between the Executive Chairman of the Special Commission and the Deputy Prime Minister of Iraq initiated a breakthrough in the relations between Iraq and the Special Commission, both in the political and in the technical areas. Since July 1993 it has been the clear understanding of Iraq, on the one hand, and the Commission and the International Atomic Energy Agency (IAEA), on the other, that the objective was to bring about a situation where the Commission and IAEA could report to the Security Council that, in their view, the stage had been reached where Iraq was meeting all the requirements of section C of resolution 687 (1991).

2. The July Baghdad talks for the first time permitted the submission to the Security Council of a report (S/26127, enclosure) setting out certain common understandings of the parties. An Iraqi position paper in that report recorded that the Government was ready to comply with the provisions of the plans for ongoing monitoring and verification as contained in resolution 715 (1991). The position paper also outlined a number of steps which, in the view of the Government, were related to the implementation of monitoring. These steps included Iraq's request that monitoring should respect the sovereignty of Iraq, its internal security, the dignity of its people and the State and its rights to industrial, scientific and technological development as well as its right to development in all fields not included in the prohibitions of resolution 687 (1991). Iraq also emphasized its request for substituting Iraqi means for foreign means in the implementation of the plans for monitoring and verification, and that the modalities utilized in the implementation of the plans for monitoring and verification should be harmonized with those provided for in international conventions and agreements currently in force.

3. The common understandings in the July report recorded that high-level technical talks would be held in New York, as soon as possible, a principal topic to be discussed being the nature and implementation of the provisions of the plans for ongoing monitoring and verification as approved by the Security Council in its resolution 715 (1991), as well as all other outstanding issues between Iraq and the Commission. The joint report also recorded the agreement arrived at regarding the installation of remote-controlled monitoring cameras at Iraq's missile engine test stands at Yawm Al Azim and Al Rafah.

4. The first round of the high-level technical talks, between the Commission and IAEA on the one hand, and Iraq on the other, was held in New York from 31 August to 10 September 1993, with a second round taking place at Baghdad from 27 September to 8 October 1993. At each session substantial and steady progress was made in working out mutual understandings on the nature and implementation of the plans for ongoing monitoring and verification. Furthermore, important advances were made in clarifying additional information required by the

Commission and IAEA regarding Iraq's past programmes in the areas proscribed by Security Council resolution 687 (1991). This contributed significantly towards reaching the objective referred to in paragraph 1 above. Particularly significant was the provision by Iraq of important data on foreign suppliers of critical equipment, on supplies to the past programmes and on Iraq's chemical weapons production. Substantial new information was also provided by Iraq in the nuclear, biological and the ballistic missile areas. Accordingly, subject to verification as necessary of the data provided during the high-level technical talks, the Commission indicated it could conclude that, in the ballistic and biological areas, Iraq had fully discharged its obligations, in compliance with paragraphs 8 and 9 (a) of resolution 687 (1991), to provide information in relation to its past activities in these areas. As regards the chemical area, the initial assessment of the Commission's experts after the Baghdad talks was that the available data now constituted a credible account of Iraq's chemical weapons programme and its disposal. However, those data needed to be further verified and assessed before the Commission could make the same determination as it had done in relation to the ballistic and biological areas. Joint reports on the first and second rounds were submitted to the Security Council in documents S/26451 and S/26571.

5. The progress made on technical issues was also reflected on the political side. The Executive Chairman, together with the leader of the IAEA Action Team, met the highest levels of the Iraqi Government at Baghdad from 2 to 8 October 1993. These talks, at which much of the significant new information was provided, permitted the two sides to identify with much greater clarity their respective requirements in relation to ongoing monitoring and verification, to list the elements of information remaining to be provided in order for the Commission and the IAEA to have a full and verifiable understanding of Iraq's past programmes, and thus to make the necessary positive determinations on Iraq's carrying out of all of its obligations in respect of each of the proscribed areas.

6. The progress made in the political and technical areas since the July Baghdad talks has been mirrored in operations in the field. Iraq has cooperated with the Commission and IAEA inspection teams which have visited Iraq in the last four months and has rendered the assistance requested. New technical means and sensors have been introduced during these inspections, including ground-penetrating radar and gamma detection equipment mounted on the Commission's helicopters. Monitoring cameras have been activated. All these measures were conducted with Iraq's cooperation and were successfully concluded. The largest and most complex inspection ever undertaken by the Commission - UNSCOM 63 - took place in a harmonious atmosphere. This inspection was designed to carry out, using the most modern means, the detection of any concealed prohibited items, in particular ballistic missiles. The Commission concluded that "no undeclared prohibited items or activities were identified by UNSCOM 63. UNSCOM 63 discovered no evidence that contradicted the information provided by Iraq on issues related to its mission". IAEA, during its twenty-second inspection mission, received from Iraq clarification concerning foreign technical advice in the centrifuge area and updated declarations pursuant to annexes 2 and 3 of the Agency's plan for ongoing monitoring and verification of Iraq's nuclear activities (S/22872/Rev.1). Additional clarifications of a number of details were provided by the Iraqi side, contributing significantly to progress towards the resolution of some remaining issues in the nuclear area.

7. The present report covers the resumed high-level talks, both at the technical and political levels, held in New York over the period 15 to 30 November 1993.

I. THE NEW YORK HIGH-LEVEL TALKS: 15-30 NOVEMBER 1993

A. High-level technical talks

8. On 15 November 1993 an Iraqi team of experts, led by General Amer Muhammad Rashid, arrived in New York to continue with the Commission and IAEA the previous high-level technical talks, preparatory to the arrival of the Deputy Prime Minister of Iraq on 21 November for political discussions.

9. Upon the arrival of the Iraqi technical team, the Commission and IAEA informed it that, at that stage, the information available in all areas had been deemed by them to be credible and that they would deploy their best efforts to expedite the process of further verifying that information with a view to arriving at a definitive conclusion in the shortest possible time.

10. The Iraqi delegation stated that it had come to New York to follow up on details, if any, of the supplementary information provided in the Baghdad talks so that the Commission and IAEA were satisfied that the obligations of Iraq, under section C of Security Council resolution 687 (1991), regarding past programmes had been discharged, and to discuss ways and means to expedite the process of implementation of future ongoing monitoring and verification. The Commission and IAEA welcomed these objectives. As agreed, separate expert groups in the chemical, biological, ballistic missile and nuclear areas met to pursue the objectives outlined above. A group also met on operational issues.

11. During the meetings of these groups, the Iraqi side provided further details regarding its past proscribed programmes and on sites, equipment and materials to be monitored pursuant to the plans on ongoing monitoring and verification. The Commission and IAEA informed the Iraqi side of the current status of their efforts to verify the information previously provided by Iraq and stressed the importance of relevant documentation. Useful discussions were held on alternative means of verification and on a process to address past difficulties in verification.

12. The Commission expressed its firm conviction that verification of the information now available on Iraq's past programmes could be completed substantially in advance of the Commission being in a position to determine that ongoing monitoring was under way and proceeding in a satisfactory manner. The Commission emphasized that verification would be pursued together with the initiation of full-scale ongoing monitoring. In the unlikely event that some elements of verification were unduly delayed, they would continue to be pursued during the monitoring phase. Therefore, verification need not delay any reports by the Commission and by IAEA under paragraph 22 of resolution 687 (1991). Should any new information on past programmes be forthcoming in the future, the Commission and IAEA welcomed Iraq's express recognition of the right of the Commission and IAEA, after implementation of paragraph 22 of resolution 687 (1991), to undertake immediate on-site inspections.

13. The Commission indicated that, in the light of its most recent inspections and the information now available to it, it was, in relation to Iraq's past programmes, in a position to complete the identification phase of its work under Security Council resolution 687 (1991).

14. Regarding operational aspects, the Iraqi side reiterated its position on the use of Iraqi air assets and presented a plan for the use of Iraqi fixed- and rotary-wing aircraft instead of the non-Iraqi air assets currently employed by the Commission and IAEA. The Iraqi side explained that the plan had been prepared to take account of all the requirements of the Commission and IAEA for transportation and surveillance purposes, including short-notice inspections and provision of a ground processing laboratory. The plan also took account of the requirements for safety and efficiency of the Iraqi air assets.

15. The Commission and IAEA welcomed the above statements. The Commission's position on the use of Iraqi air assets continued to be as set forth in paragraph 12 of annex II to the joint report on the high-level technical talks held in New York from 31 August to 10 September 1993 (S/26451). The Commission indicated that, at the beginning of 1994, it would be prepared to undertake a full survey of Iraqi air assets to determine their technical adequacy. The Commission stressed that the use of local logistical and technical aerial and other support would be dependent upon the prevailing situation of confidence and availability of adequate assets. When these factors were met, the Commission would phase in, as soon and as far as possible, these assets. It was agreed that discussions should be continued on this matter.

16. As regards Iraq's concerns relating to respect for the sovereignty, internal security and dignity of the people and the State of Iraq and Iraq's right to industrial, scientific and technological progress and development in all fields not covered by the prohibitions contained in resolution 687 (1991), the Commission and IAEA stressed that it was their intention to implement the plans in the least intrusive manner consistent with effective monitoring and verification in the circumstances prevailing, with all due regard to the legitimate concerns of Iraq noted above, in accordance with the Charter of the United Nations.

17. Iraq again stressed its concern that there should be amendment of the methods used to implement the plans over time to bring them into line with the methods used in international agreements and conventions currently in force. The Commission reiterated that it was the intention that implementation of the Commission's plan should be carried out in the same spirit as relevant international agreements in the field of arms control and disarmament.

18. The Commission and Iraq reaffirmed their agreement to undertake periodic reviews of ongoing monitoring and verification, particularly with regard to the issues mentioned in the paragraphs above. The first such review should be held in February 1994, to be followed regularly, during the initial period of implementation, approximately every third month or at such intervals as may be agreed upon.

19. Further details on the high-level technical talks are contained in annex I to the present report.

B. Political talks

20. The Deputy Prime Minister of Iraq met the Executive Chairman of the Commission on the evenings of 22, 26 and 29 November, and the IAEA Action Team Leader on 23 November 1993. At the initial meetings, the Deputy Prime Minister indicated that it was his intention to hold discussions separately with the members of the Security Council, and other interested Member States, in order to assess their understandings of the conditions necessary for the lifting of the oil embargo in accordance with the terms of paragraph 22 of Security Council resolution 687 (1991). Thereafter, he would meet again with the Executive Chairman to discuss future relations.

21. By a letter dated 26 November 1993 addressed to the President of the Security Council (S/26811, annex), the Minister for Foreign Affairs of Iraq recorded formally that "the Government of Iraq has decided to accept the obligations set forth in resolution 715 (1991) and to comply with the provisions of the plans for monitoring and verification as contained therein". The letter in essence reiterated Iraq's requests and hopes in respect of the nature of ongoing monitoring and verification. These concerns had been conveyed to the Commission and IAEA repeatedly in the discussions held since July 1993 with the highest levels of the Iraqi Government (see S/26127, S/26451 and S/26571). The letter particularly stated:

> "Iraq wishes to remind the Security Council of an essential fact. Despite the discharge by Iraq of its obligations under section C of resolution 687 (1991) and of the other obligations set forth in that resolution and despite the passage of more than three years since the imposition on it of an embargo that has extended to all areas of human life and has caused cruel and bitter suffering to 20 million Iraqis, the Council has yet to take any step towards lifting this unprecedented embargo. With this positive and major step on its part and following the other positive developments as formally recorded in United Nations documents, Iraq accordingly expresses the hope that the Security Council will discharge its obligations towards it as stipulated in resolution 687 (1991) and trusts, above all, that paragraph 22 of that resolution will be implemented speedily and in full and without obstacles, restrictions or additional conditions."

22. The Special Commission and IAEA welcome this very important acceptance by Iraq of its obligations under Security Council resolution 687 (1991) and the plans approved thereby. This will permit the Commission, in line with its frequently stated requirements, to initiate immediately full-scale monitoring and verification. In this connection, the Commission and IAEA requested Iraq to submit, as soon as possible, consolidated declarations specifically under resolution 715 (1991) and the plans for ongoing monitoring and verification. Iraq, in response to this request, submitted to the Commission and to IAEA the statement appearing in enclosure II to the present report in which it confirms that the declarations previously made by Iraq are to be considered to have been made under and to have been submitted in accordance with Security Council resolution 715 (1991) and the plans approved thereunder. These declarations will be assessed and complemented as necessary with supplementary information to bring them into full conformity with the plans. The Commission, for its part, will, on the basis of these declarations, complete expeditiously, with the means

at its disposal, baseline inspections and the preparation of monitoring and verification protocols for each site. To this end, the Commission intends to dispatch an expert mission to Baghdad to establish definitive baseline data at the earliest possible time.

23. As far as IAEA is concerned, the requirement under paragraph 12 of Security Council resolution 687 (1991) that Iraq accept the Agency's plan has now been met.

24. The Commission and IAEA note that, with Iraq's acceptance referred to above, the major remaining obstacle to Iraq's fulfilment of all its obligations under section C of resolution 687 (1991) has been removed. With this major step forward, the Commission and IAEA will proceed to satisfy themselves, as soon as possible, that they are in a position to implement on an ongoing basis and in a satisfactory manner the plans for monitoring and verification and hence to report to the Security Council accordingly under paragraph 22 of Security Council resolution 687 (1991).

II. CONCLUSION

25. The present report is a joint report by the Special Commission and IAEA, for the one part, and the Government of Iraq, for the other. The Commission will arrange for its submission to the Security Council.

26. It was agreed that high-level talks would be resumed in Baghdad or New York in January 1994 in order to maintain the momentum towards the objective stated in paragraph 1 of the present report.

For the Government of Iraq:

(Signed) General Amer Muhammad RASHID
Director, Military Industrialization Corporation

For the Special Commission:

(Signed) Rolf EKEUS
Executive Chairman

For the International Atomic Energy Agency:

(Signed) Berhanykun ANDEMICAEL
Representative of the Director-General

30 November 1993

Enclosure I

Report on the high-level technical talks:
New York, 15-30 November 1993

INTRODUCTION

1. On 15 November 1993, high-level technical talks resumed in New York between Iraq on the one hand and the Special Commission and IAEA on the other. These talks were a continuation of those which took place in New York from 31 August to 10 September 1993 and subsequently at Baghdad between 2 and 8 October 1993.

2. The present enclosure records the progress made during the technical talks and outlines areas requiring further work.

I. CHEMICAL ASPECTS

3. In the chemical area, the Iraqi side stressed that it had tried to meet all the requirements put forward by the Commission on the provision of information. The Commission had acknowledged this effort during the Baghdad high-level technical talks, and this was reflected in the joint report of that session (S/26571, annex). However, the Iraqi side agreed to endeavour to address any questions that might arise during the Commission's verification activities.

4. The Commission assessed as credible the information provided in the Baghdad talks regarding Iraq's past chemical weapons programme. It presented to the Iraqi side the remaining requirements to enable it to verify this information in a satisfactory manner.

5. The issue of equipment and chemicals left at the Muthanna State Establishment was also discussed. It was agreed that the Special Commission should send a mission to Baghdad in January 1994 to mark equipment in order to prepare an inventory as to the release or disposal of this equipment. Further discussion was reserved on the release or disposal of chemicals remaining at the site.

II. BIOLOGICAL ASPECTS

6. During the discussions of biological issues, the Iraqi side provided additional data requested by the Special Commission on:

- The import of a number of aerosol generators by various government ministries for permitted purposes;

- Progress made in Iraq on cataloguing micro-organisms in accordance with the criteria of the World Health Organization (WHO) and as required for monitoring;

- The coordinates of the sites declared by Iraq for baseline inspections under the plan for ongoing monitoring and verification;

- The Committee established in the Ministry of the Interior to control and regulate the handling of hazardous chemical and biological materials in Iraq.

The Commission welcomed these additional data.

7. The Commission explained that it had not yet received the additional data on inhalation chambers and aerosol generator equipment reportedly exported to Iraq. These data were required to permit Iraq to identify the current location of this equipment. It was agreed that the matter would be followed up when the additional data became available.

III. BALLISTIC MISSILE ASPECTS

8. The Iraqi side furnished additional details which elaborated on information provided by it during the talks in Baghdad on foreign acquisition of critical ballistic missile items. These new data were helpful. The Iraqi side provided detailed data on the past flight tests of its ballistic missiles with the range greater than 150 kilometres.

9. In response to the Commission's request for documentary evidence, the Iraqi side stated that the relevant documents had been destroyed but assured the Commission that if any document of interest were found in the future, it would be provided to the Commission during the ongoing monitoring.

10. As part of its inspection activities at the static test stands in Iraq, the Commission requested and received explanations on some recent test activities. The Commission informed the Iraqi side of its intention to upgrade the remote camera systems at these test stands.

11. Issues related to future monitoring under resolution 715 (1991) were discussed. The Iraqi side provided data on the annual financing of a number of facilities to be covered by the monitoring regime, as well as a list of equipment at those facilities. These data complement previous declarations made by Iraq needed for baseline inspections.

12. The Commission requested that Iraq provide information on its current missile research-and-development activities and missile flight tests, in accordance with the Commission's formats. The Commission also outlined its plans for future inspection activities to include the use of specific inventory procedures and sensors.

IV. NUCLEAR ASPECTS

13. Significant progress was also acknowledged in the nuclear area following the second round of high-level technical talks in October. This progress related to work carried out during the twenty-second IAEA inspection mission in Iraq (1-9 November 1993) and concerned primarily the role played by foreign technical advice in the centrifuge enrichment area.

14. IAEA was currently in the process of evaluating the updated declarations also provided by Iraq during the twenty-second inspection mission pursuant to annexes 2 and 3 of the plan for future ongoing monitoring and verification of Iraq's nuclear activities (S/22872/Rev.1). In the course of the current discussions, a preliminary review was made of the information submitted pursuant to annex 2 of the plan. Clarifications of a number of details were provided by the Iraqi side.

15. IAEA was also in the process of verifying the accuracy and completeness of the information submitted by Iraq during the second round of high-level talks and the twenty-second inspection mission concerning suppliers and quantities of materials and equipment. The absence of some relevant documentation complicated the task and required IAEA to seek independent corroboration of Iraqi declarations from other sources. IAEA would deploy its best efforts to expedite this process with a view to arriving at a conclusion in the shortest possible time.

16. Without prejudice to the activation of paragraph 22 of resolution 687 (1991) by the Security Council, inspection and dismantling phases might, as they have in the past, overlap with the ongoing monitoring phase. Where necessary, any additional disclosures or discoveries would be dealt with in the course of the ongoing monitoring phase.

17. As regards paragraph 22 of resolution 687 (1991) on actions taken by Iraq in implementation of its obligations under section C of resolution 687 (1991), IAEA would have to satisfy itself that it was in a position to complete the implementation of its plan for ongoing monitoring and verification, approved in Security Council resolution 715 (1991).

V. OPERATIONAL ASPECTS

18. Meetings on this subject are reported in paragraphs 14 and 15 of the main report.

VI. ONGOING MONITORING AND VERIFICATION IN THE NON-NUCLEAR AREAS

19. Discussions were held on future ongoing monitoring and verification in the non-nuclear areas. The Iraqi side stated that it was prepared to discuss ways and means to expedite the carrying out of the Commission's plan on ongoing monitoring and verification.

20. Iraq outlined the assistance it was in a position to provide in preparing monitoring and verification protocols in respect of sites to be monitored, and in identifying key sites. It wished to cooperate with the Commission on the preparation of baseline declarations and on formats for reporting so that this could shorten the period required by the Commission to implement monitoring in a satisfactory manner for it to report to the Security Council under paragraph 22 of Security Council resolution 687 (1991).

Enclosure II

Statement by the Government of Iraq

In the light of Iraq's formal acceptance of its obligations under Security Council resolution 715 (1991) and under the plans for ongoing monitoring and verification approved by that resolution (S/26811), the Government of Iraq hereby confirms that the declarations provided to the Special Commission in October 1993, and the declarations provided to the International Atomic Energy Agency in November 1993, and previously in November 1991 and January and April 1993, are to be considered to have been made under and to have been submitted in conformity with the provisions of Security Council resolution 715 (1991) and the plans approved thereunder.

General Amer M. RASHID
Leader of the delegation of Iraq to the
high-level technical talks

30 November 1993